

Application No.: 10/703,390
Applicant: van den Brink et al.
Docket No.: 903-91 PCT/US/CIP/RCE
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Remarks/Arguments:

Introduction

Claims 1-17 are pending in the application. Claims 14-16 have been withdrawn in response to a restriction requirement. Claims 1, 4, 9, 11, 12 and 13 have been amended. Claim 17 has been newly added. No new matter has been introduced.

Section 112 Rejections

Claims 1-13 have been rejected under 35 U.S.C. §112, second paragraph, as being unclear with respect to openings recited in claim 1. Claim 1 has been amended and the rejection is believed to be overcome in view of the amendment. Thus, reconsideration and withdrawal of the Section 112 claim rejections are respectfully requested.

Section 102 Rejections

Claims 1, 3-6 and 10-13 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,709,840 to Juranas (hereinafter "Juranas"). Applicant respectfully traverses. However, in the interest of advancing prosecution, claim 1 has been amended.

In general, Juranas discloses a batch reactor, contrary to claim 1 of the application in which a flow through reactor is claimed. In Juranas, the reactor is connected to a reactor block, instead of the reactor being located in a channel in the reactor block.

Claim 1 recites a cavity defined by the wall of the first channel, the first sealing element, the bottom surface of the cover element and the second opening of the first channel. Further, the tubular vessel is entirely within the cavity. In contrast, Jurana discloses a tubular vessel 76 in communication with the exterior and it extends through the reactor block surface 10a, sealing members 52, 50, and through first channel 16. Tubular vessel 76 of Jurana is not contained within the cavity, as recite in claim 1.

Further, claim 1 recites a feed channel that is in fluid communication with the second opening of the first channel via the tubular vessel. However, Jurana does not disclose a feed channel, as recited in the claims.

Additionally, claim 1 recites a fourth channel which opens in the annular gap between the second sealing element and the second vessel opening. In contrast, Jurana disclose a channel 18 which extends through the block 10 from the upper surface 10a to lower block surface 10b (col.6, ll. 5-10). In accordance with Jurana, channel 18 is does not open between the second sealing element 50 and the second vessel opening end of 76, as recited in the claims.

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Furthermore, claim 1 recites a cover element that extends over the first face of the base block and over the first opening of the first channel. However, Jurana discloses that the first opening of vessel 76 extends beyond the block and vessel 76 extends through the top surface 10a or cover of block 10, unlike the invention as recited in claim 1.

A rejection under 102 requires that each and every element is disclosed in the prior art document. Juranas fails to disclose each and every element as recited in the claims. Therefore, reconsideration and withdrawal of the rejection section 102 rejections are respectfully requested.

Section 103 Rejections

Claims 2 and 7-9 are rejected under 35 U.S.C. §103(a) as allegedly being obvious over Juranas. Applicant respectfully traverses. The above- argument equally applies herein as claims 2 and 7-9 depend from claim 1. Juranas fails to teach or suggest the invention as recited in claim 1.

Accordingly, reconsideration and withdrawal of the rejection of claims 2 and 7-9 under 35 U.S.C. § 103(a) are respectfully requested.

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Double Patenting Rejection

The claims are rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 51, 70-71, and 73-78 of co-pending Application No. 10/477,030. In response to the double patenting rejection, submitted herewith is a timely filed Terminal Disclaimer in compliance with 37 C.F.R. §1.321(c). This Terminal Disclaimer is used to overcome the double patenting rejection.

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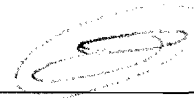
Summary

Therefore, Applicants respectfully submit that independent claim 1 and all claims dependent therefrom, are patentably distinct. This application is believed to be in condition for allowance. Favorable action thereon is therefore respectfully solicited.

Should the Examiner have any questions or comments concerning the above, the Examiner is respectfully invited to contact the undersigned attorney at the telephone number given below.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 08-2461. Such authorization includes authorization to charge fees for extensions of time, if any, under 37 C.F.R. § 1.17 and also should be treated as a constructive petition for an extension of time in this reply or any future reply pursuant to 37 C.F.R. § 1.136.

Respectfully submitted,



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